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29 April 2011

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India: The Shiv Sena, including the group's activities and areas of operation within India; whether the Shiv Sena is involved in criminal activity; if so, the nature of these activities (2009 - March 2011)

Research Directorate, Immigration and Refugee Board of Canada, Ottawa

The Political Party

The Shiv Sena, a political party in the Indian state of Maharashtra, was formed in 1966 and is led by Balashaheb Thackeray (*Political Handbook of the World* 2011, 632; MaharashtraPoliticalParties.com n.d.a). Other party leaders, according to the *Political Handbook of the World* 2011, include Uddhav Thackeray, the party's executive president, and Anant Gheete, a leader in the Lok Sabha (2011, 632). The Lok Sabha (House of the People) is a unit of the national Parliament, along with the Rajya Sabha (Council of States) (India 16 Sept. 2010). Members of the Lok Sabha are directly elected by eligible voters every five years (ibid.). In 2009, the Shiv Sena won 11 seats in a general election (*Political Handbook of the World* 2011, 632).

The *Political Handbook of the World* notes that Shiv Sena is "closely linked" to the Bharatiya Janata Party (BJP) (2011, 632). The Press Trust of India (PTI) reports that on 6 March 2011, the BJP leader "said his party's alliance with Shiv Sena will remain intact at [the] Maharashtra and national level" (6 Mar. 2011). In 14 April 2011 correspondence with the Research Directorate, an honorary senior fellow and chairman of the Centre for Multilevel Federalism, at the Institute of Social Sciences in New Delhi, noted that the Shiv Sena was "the main opposition party" in the Maharashtra legislative assembly of 2004 to 2009. However, the BJP, Shiv Sena's ally, having won more seats than the Shiv Sena, has now taken its place as the main opposition party (Honorary Senior Fellow 14 Apr. 2011). In an Associated Press (AP) article published in *The Seattle Times*, the Shiv Sena is also noted as being an ally with the BJP; it holds 11 out of 543 elected seats in the national parliament and 45 out of 288 seats in Maharashtra's state legislature (AP 26 Oct. 2010).

Area of Operation

MaharashtraPoliticalParties.com, an "independent and neutral media" website "detailing [the] political picture of Maharashtra" (n.d.b), locates the Shiv Sena headquarters in Mumbai (MaharashtraPoliticalParties.com n.d.a).

The Honorary Senior Fellow noted that the Shiv Sena "wins its seats only from the state of Maharashtra and the state remains its principal area of operation" (14 Apr. 2011). He also states that the Shiv Sena "has a token presence in some of the other states of India as well" (Honorary Senior Fellow 14 Apr. 2011). Although its presence is "not at all significant," the party "contest[s] in elections for seats across the country" (ibid.). This "centralised" party also "has different branches in other states, but they largely work under the direction of the central leadership, and the party discipline is robust" (ibid.).

Outside of Mumbai, notes the Honorary Senior Fellow, "reports of violence by the party have been reported from Delhi, Goa and Punjab" (14 Apr. 2011). An example of Shiv Sena's presence in Goa is given by the PTI, which reports the arrest of a party leader in the state during a protest (5 July 2010). Other Shiv Sena protests are noted by Deutsche Presse-Agentur, which reports that Shiv Sena members protested the release of a movie in Madhya Pradesh state (12 Feb. 2010). The Indo-Asian News Service (IANS) also mentions the arrests of Shiv Sena members in 2009 in Gwalior and Bhopal, two cities in Madhya Pradesh state (14 Feb. 2009). (See the section on violence for more details.) Additional Shiv Sena activities reported by IBNlive.com news service include a dispute over Belgaum in the state of Karnataka, which the Shiv Sena claims is part of Maharashtra (22 Jan. 2009). IBNlive.com also reports that the Shiv Sena is protesting an irrigation project on the Andhra Pradesh-Maharashtra border (22 July 2010).

Ideology of the Shiv Sena

MaharashtraPoliticalParties.com says the ideology of the Shiv Sena is based on Marathi nationalism, called *Bhumiputra*, and Hindu nationalism, called *Hindutva* (n.d.a). The Indian Elections website states that the Shiv Sena describe themselves as "a nationalistic party [that] does not discriminate against any religion, caste and creed" (n.d.). Indian Elections adds that the party "believe[s] in nationalism and will go to any extent to eliminate the traitors and enemies of India" (n.d.). Julia Eckert, a University of Bern academic writing in the *International Journal of Conflict and Violence*, calls the Shiv Sena "a Hindu nationalist party mainly established in Maharashtra" that "aims to recapture the state on behalf of its legitimate citizens, the Hindus, and to guard it from the grasp of 'foreigners'" (2009, 182). In 18 April 2011 correspondence with the Research Directorate, a professor of political science at the University of Toronto noted that the Shiv Sena "champions the rights of local people in Bombay (Mumbai) as opposed to various outsiders."

In its *World Report 2010*, Human Rights Watch refers to the Shiv Sena party as "extremist" (Apr. 2010). Minority Rights Group International (MRG), in its *World Directory of Minorities and Indigenous Peoples*, also refers to the Shiv Sena as a "Hindu extremist group" (Dec. 2008). Sumit Ganguly, an academic writing in the journal *Asian Studies*, describes the Shiv Sena as "a local, anti-immigrant, nativist party" in the state of Maharashtra (Jan./Feb. 2009, 46).

An article in *The Hindu*, a national, daily newspaper headquartered in Chennai, reports the Maharashtra state's ruling Congress government as claiming the Shiv Sena propagates "theories of hate and divisiveness" through its "continued campaign against outsiders" and its "'Mumbai for Marathis'" campaign (4 Feb. 2010a). The political science professor notes that the Shiv Sena "strategy ... has been agitation to force city and state governments to give preferential employment to Hindus who speak Marathi rather than outsiders"

(Professor 18 Apr. 2011). Similarly, according to the British Broadcasting Corporation (BBC), the "Shiv Sena has long argued for greater rights to be given to Marathis - people who can trace their origins to the state of Maharashtra, of which Mumbai is the capital" (19 Nov. 2009). A Shiv Sena leader, Manohar Joshi, is noted as saying that Mumbai is a city belonging exclusively to the "Marathi people" and that they should get "priority" (*The Hindu* 1 Feb. 2010; Expressindia.com 1 Feb. 2010). Similarly, Reuters reports that the Shiv Sena's "agenda is to promote the interest of Marathis, sometimes with violent effect at the cost of non-Marathis, especially those living in Mumbai" (Reuters 4 Feb. 2010). According to the AP, "the Shiv Sena ... does not hesitate to use violence to enforce its vision of primacy for natives of Maharashtra state, of which Mumbai is the main city, and secondly for majority Hindus within India" (26 Oct. 2010). The party "bills itself as the defender of the Marathi speakers in Mumbai" (AP 26 Oct. 2010).

Violence

Academic Malvika Maheshwari, writing in the *South Asia Multidisciplinary Academic Journal*, notes that "threats and physical coercion" is the "working style" of the Shiv Sena (Maheshwari 2010, para. 28). Similarly, Julia Eckert, writing in her *International Journal of Conflict and Violence* article, also states that the party "promotes a violence-oriented, violence-celebrating type of actionism, and since its founding in 1966 it has presented itself as a protest movement" (2009, 182).

An article in the New Delhi-based online newspaper the *Indian Express* notes that the Shiv Sena "has a history of meticulously orchestrating violence" (1 Jan. 2011). As an example, an article in Expressindia.com reports that the police filed charges against two Shiv Sena members -- Milind Narvekar, the personal assistant of Uddhav Thackeray, and Neelam Gorhe -- for "promoting enmity between different groups and doing acts prejudicial to maintenance of harmony" as well as "hatching criminal conspiracy" (15 Mar. 2011). The charges are based on tapped telephone conversations during which Narvekar "had allegedly given instructions to Gorhe to cause violence by stonepelting, burning buses and rioting" (Expressindia.com 15 Mar. 2011). *The Indian Express* notes that the telephone transcripts revealed the order to engage in public violence, which included the stoning and torching of buses (1 Jan. 2011). The newspaper explains that the reason for the plans for violence was the removal of a statue important to Marathi history by the Pune municipality (*The Indian Express* 1 Jan. 2011). This is further corroborated by IANS, which notes that the telephone tap revealed the two Shiv Sena members engaging in "a conspiracy to create law and order problems" (30 Dec. 2010). The IANS also provides greater detail on the violence, reporting that Shiv Sena "activists torched 13 buses, and disrupted traffic on the Mumbai-Pune highway," stopped two trains, and ransacked the civic hall (IANS 30 Dec. 2010).

Human Rights Watch reports an incident in which the Shiv Sena leaders in Mumbai led a mob of 200 people to the home of a lawyer representing a terrorist (2010). The mob allegedly threw stones and "shout[ed] obscenities" (Human Rights Watch 2010).

On Valentine's Day in 2009, reports *The Hindu*, the Shiv Sena "went on the rampage terrorising couples, beating, threatening and humiliating them" in several locations throughout Maharashtra (15 Feb. 2009). *The Pioneer* reports a similar incident in 2010, in Jamshedpur (15 Feb. 2010). Several organizations,

including the Shiv Sena, burnt "effigies of Valentine" and publicly threatened to beat couples they found walking around (*The Pioneer* 15 Feb. 2010). In Madhya Pradesh, IANS also reports that, on Valentine's Day, three dozen Shiv Sena members were arrested as "a preventive measure" because they were looking for couples to harass (14 Feb. 2009). A Shiv Sena activist explained that this was a way of "'moral policing'" and "'protest[ing] against western culture'" (*The Pioneer* 15 Feb. 2010).

In October 2010, AP reports that the Shiv Sena demanded the removal of two actors who were from "Muslim Pakistan" from a television show called "'Bigg Boss'" (26 Oct. 2010). A mob of Shiv Sena members allegedly "storm[ed] the gates of the bungalow where the show is filmed in Lonavala" (AP 26 Oct. 2010). In a separate attack, reports *The Hindu*, a group of Shiv Sena members attacked the offices of the news channels IBN Lokmat and IBN7 in Mumbai and Pune, "vandalis[ing] the offices and beat[ing] up journalists, including women" (20 Nov. 2009).

According to Reuters, the Shiv Sena "have mostly gotten away without being prosecuted for their agitations ranging from destroying public property to beating up non-natives in the streets of cosmopolitan Mumbai" (4 Feb. 2010). *Indian Currents*, an English-language news source based in Delhi, also notes that the Shiv Sena has not been prosecuted for its violent acts in Mumbai (8 Feb. 2010).

Targets of violence

The Khaleej Times, a United Arab Emirates news source, notes that

[p]eriodically, the Shiv Sena, the parochial regional party that once ruled Maharashtra along with its ally, launches a campaign for the ostensible protection of the sons of the soil, the Marathi manoos (Marathi people).

In its four decades of history, there have been many such programmes -- the party first began by asking south Indians to get out of the city, then shifted for a brief moment to Gujaratis, then became an aggressive, anti-Muslim, Hindutva spouting party and is now railing against 'north Indians' which translates as Biharis and UPiites. (12 Feb. 2010)

Writing along the same lines, Sumit Ganguly's *Asian Studies* article explains that

[i]nitially, the Shiv Sena had spearheaded an agitation against internal migrants from various southern states. Subsequently, in the face of considerable deindustrialization in and around Bombay, they had successfully scapegoated the Muslim community. The targets of their latest populist rage appear to be lower-class migrants from the impoverished states of Bihar and Uttar Pradesh. (Ganguly Jan./Feb. 2009, 46-47)

Similarly, an analytical article in *Arab News*, a Saudi Arabian English-language newspaper, points out that the Shiv Sena has been using "divisive and subversive" political campaigns and violence to target southern and northern Indians, as well as Muslims and Pakistanis (12 Feb. 2010). *The Hindu* also notes that the Shiv Sena have an "opposition to North Indians" (4 Feb. 2010b). Academic Malvika Maheshwari writes that the Shiv Sena is an "anti-Muslim party"

(2010, Para. 23). The political science professor also says that south Indians and Muslims are Shiv Sena targets because they are seen as "outsiders" (Professor 18 Apr. 2011).

MRG mentions that the Shiv Sena "considers Muslims to be disloyal to the Indian state" (Dec. 2008). IANS reports that "Maharashtra Cinema Television Sena (MCTS), a frontal organisation of the Shiv Sena, has threatened those using the services of Pakistani artists," including "all production houses, organisers, event managers and media houses" (21 Feb. 2011). Marathimovieworld.com, a website dedicated to providing information about Marathi cinema (n.d.), defines the MCTS as "a Union working for the welfare of Marathi cinema" (14 Aug. 2010).

News sources report that the Shiv Sena has made a call to ban the *burqa* in Maharashtra because it was worn by a woman who kidnapped a child from a hospital (Expressindia.com 19 Oct. 2010; *The Times of India* 20 Oct. 2010). Opinions of the Muslim community presented in a *Times of India* article about the Shiv Sena demand, indicate that the party called for the burqa ban because it is anti-Muslim (20 Oct. 2010).

Other reports of criminal activity

News sources report the arrests of one Shiv Sena leader and two other party members for extorting a contractor for the sum of 1,000 Indian rupees (21.76 CAD [XE.com 18 Apr. 2011]) (*Hindustan Times* 11 Mar. 2011a; Expressindia.com 11 Mar. 2011). Other news reports relate that the grandson of party leader Balashaheb Thackeray was charged under the Prevention of Immoral Trafficking Act (PITA) after "nine women were rescued" from his bar (*Hindustan Times* 11 Mar. 2011b; Expressindia.com 10 Mar. 2011). Further information on criminal activities of the Shiv Sena could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

Maharashtra Navnirman Sena

The *Political Handbook of the World* notes that there are two political parties stemming from Shiv Sena, the Maharashtra Navnirman Sena (MNS), formed in 2006, and the Rashtrawadi Sena, formed in 2008 (2011, 632).

The BBC reports that Raj Thackeray, MNS leader and nephew of Balashaheb Thackeray, "allegedly led violent protests against migrants from other Indian states" (19 Nov. 2009). These protests include attacking "Indian railway recruitment examination centres in Mumbai" and "beat[ing] up job candidates from northern India" (BBC 19 Nov. 2009). Raj Thackeray was also arrested and released on bail for "disrupting government work and rioting" (ibid.). The MNS, according to the BBC, "has been campaigning for greater rights for the ethnic Marathi people of Maharashtra" (ibid.). *The Hindu* notes that the MNS campaigns "against outsiders" to Maharashtra and promotes the "'Mumbai for Marathis' campaign" (4 Feb. 2010a). *Indian Currents* also reports that the MNS is against "'outsiders' -- mainly north Indians" -- and that its politics of exclusion has led to a range of "agitations," including "beating up non-natives" in Mumbai (8 Feb. 2010).

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time

constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim for refugee protection. Please find below the list of sources consulted in researching this Information Request.

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Oral sources: An academic writing in *Political & Economic Weekly* and academics at the New School for Social Research in New York, the School of Social Sciences at Jawaharlal Nehru University, and the Centre for Land Warfare Studies (CLAWS) in New Delhi did not reply within the time constraints of this Response. A professor at the Department of Politics and Public Administration, University of Pune, and a professor of political science at Indiana University were unable to provide information for this Response. A professor of women's studies at the University of Victoria and a professor of political science at the University of Missouri were unable to provide recent research for this Response.

Internet sites, including: Amnesty International (AI); Center for Strategic and International Studies (CSIS); European Country of Origin Network (ecoi.net); Freedom House; GlobalSecurity.org; India - Government of Maharashtra; International Crisis Group; International Institute for Strategic Studies (IISS); Maharashtra Navnirman Sena; National Portal of India; NDTV.com; Open Society Foundations; Outlookindia.com; Rediff.com; Shivsena Ulhasnagar; South Asia Terrorism Portal (SATP); United Nations (UN) Refworld; United States (US) Department of State.

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